

These minutes were approved by the Board on 3.1.2021

MINUTES OF THE CONFERENCE CALL MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
January 11, 2021

1. ROLL CALL

The conference call meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Vice-Chair, Pam Rowland, at 10:34 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, LU1, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) mailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby on 1.6.2021.

Members Present (10):

The following members answered roll call:

Shannon Bingham, Member
Matt Bavougian, Member
Vicki Criswell, Member
Jacqueline Hornig, Secretary
Ruth Lucas, Member
Marie Nordboe, Member
Becky Pettigrew, Member
Brandy Phillips, Member
Pamela Rowland, Vice-Chair
Harold "Buddy" Sims, Member

Members Absent (1):

Bridget Anderson, Chair (entered meeting room at 10:43 am)

Others Present in Conference Room:

Kris Chiles, Program Manager, Licensure Unit
Natalee Hart, Assistant Attorney General

Others Present on Call:

Carla Cue, Investigations
Anna Harrison, DHHS Compliance Monitor
Rachel O'Toole, DHHS Attorney

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

10:43 a.m. Anderson entered the meeting room

MOTION: Lucas moved, seconded by Pettigrew, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Vacant positions (2). Motion carried.

3. APPROVAL OF MINUTES – 11.2.2020 and 12.7.2020

Approval of minutes was deferred

4. COVID-19: Executive Orders, Continuing Education, Re-Opens, and Press Releases

<https://dhhs.ne.gov/licensure/Pages/Cosmetology-and-Esthetics.aspx>

The following was discussed:

- Contact local health departments for questions relating to vaccination schedules
- Sims will forward vaccination schedule information he has obtained

5. UPDATES:

- a. Renewals: Cosmetologists and instructor licenses expired 12.31.2020; Active cosmetologists (7,074) and instructors (125)
- b. Regulations 172 NAC 44-46 (body art): Waiting for 2nd public hearing approved by the Governor's policy research office
- c. 2021 Legislation:
 - LB 19: Provides for a new definition of "nail technology" which includes natural nail care, defines "pedicuring," and allows for licensure of nail technology apprentice salons. Creates a license for "Temporary Body Art Facility" and "Body Art Guest Artist", and updates the definition for cosmetic tattooing. LB 607 also allows for all practices licensed under the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art to take their respective licensing exam in multiple languages.

Rowland summarized the history relating to LB 607 (19-20 session); bill introduced as LB 19 in 2021. LB 607 was vetoed by the Governor on the next to the last day of the session in 2020. Suggested Board needs to develop a plan for testimony

- LB 83: Amends the Open Meetings Act in Chapter 84, Article 14, to: 1) modernize the way public bodies hold virtual meetings; and 2) create the statutory framework for public bodies to hold virtual meetings during a declared emergency by the Governor, Mayor, Village Board Chair or County Board Chair. Section 15 of LB 83 has the emergency clause so the bill would take effect when passed and approved according to law, except for subsection 7 of section 84-1413 which has an effective date of July 31, 2022.
- LB 112: Requires, under Neb. Rev. Stat., Sec. 84-1412, that members of the public be afforded opportunity to speak at any public meeting subject to the Open Meetings Act.
- d. License Statistics: Summary provided to members; it was suggested to review the most frequently missed questions on the jurisprudence examination and review those questions.

6. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Lucas moved, seconded by Pettigrew, to enter into closed session at 11:06 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Anderson repeated the motion and purpose. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Vacant positions (2). Motion carried.

11:10 a.m. Cue exited the call
 11:36 a.m. O'Toole entered the call, Hart left the meeting room
 11:50 a.m. Harrison exited the call

7. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION

11:50 a.m. Verbal agreement from all board members to enter into open session; Hart entered the meeting room

Conviction Reviews**Robin Scheele-Dawson: Cosmetologist - Initial**

MOTION: Criswell moved, seconded by Sims, to request further information. A roll call vote was taken. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Vacant positions (2). Motion carried.

Kati Jones: Cosmetologist - Reinstatement

MOTION: Hornig moved, seconded by Rowland, to defer the recommendation and review by mail ballot. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Vacant positions (2). Motion carried.

Brooke Paules: Esthetician - Initial

MOTION: Nordboe moved, seconded by Criswell, to defer the recommendation and review by mail ballot. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Vacant positions (2). Motion carried.

Rosalind Gonzalez: Cosmetologist - Initial

MOTION: Lucas moved, seconded by Nordboe, to recommend approval of the application. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Vacant positions (2). Motion carried.

Daniel Ochoa: Tattoo Artist - Initial

MOTION: Criswell moved, seconded by Nordboe, to defer the recommendation and review by mail ballot. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Vacant positions (2). Motion carried.

Reinstatement after Discipline Reviews

Amanda (Villalon) Kelley– Cosmetologist - Reinstatement (early release from probation)

MOTION: Nordboe moved, seconded by Pettigrew, to recommend denial of reinstatement due to insufficient history to show she met the terms and condition of probation to support early release from probation. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Vacant positions (2). Motion carried.

Krystle Webber – Cosmetologist - Reinstatement after Disciplinary Revocation

MOTION: Nordboe moved, seconded by Criswell, to defer the recommendation and review by mail ballot. A roll call vote was taken. Voting aye: Anderson, Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland, Sims (11). Voting nay: None (0). Vacant positions (2). Motion carried.

8. ADJOURNMENT

Anderson announced the next meeting is scheduled on 2.1.21 as a conference call and declared the meeting adjourned at 11:58 a.m.

Submitted,

Jackie Hornig, Secretary

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art